

Congress of the United States

Washington, DC 20510

August 13, 2020

The Honorable R.D. James
Assistant Secretary of the Army–Civil Works
Department of the Army
108 Army Pentagon
Washington, DC 20310

Assistant Secretary James,

Social distancing guidelines and Centers for Disease Control and Prevention recommendations during the COVID-19 pandemic have caused increased reliance on distance healthcare, learning, and employment, including in rural communities. Projects to increase availability and quality of broadband for rural areas across the country are critical to keep these populations connected and economically viable.

The City of Hillsboro, Kansas, has partnered with TCT, a Council Grove, Kansas-based telecommunications company, to build a new fiber optic project that would provide high-speed fiber connectivity to the City and allow for expansion to the surrounding communities. Originally, TCT sought an easement on Jade Road and Highway 56, which runs along the edge of Army Corps-owned land around Marion Reservoir for a fiber optic cable. This was the most economically and geographically efficient route to connect Hillsboro to the existing TCT network. For TCT's proposal to move forward, the Army Corps would need to approve TCT's non-recreational outgrant application for this project. However, due to substantial delays that complying with the Army Corps' non-recreational outgrant policy would have caused, TCT has decided to move forward without applying for an easement on Army Corps-owned property, causing this critical broadband infrastructure project to spend vital time, money, and resources to avoid Army Corps-owned land.

The Army Corps' non-recreational outgrant development policy (ER 1130-2-550) states that for a project to be approved, there must either be "no viable alternative" to the proposed project, or the project must be a "direct benefit to the government." After meeting one of these minimum qualifications, an environmental assessment must be completed, also at the expense of the applicant, to the satisfaction of the Army Corps. In the case of TCT, they would also need to retain an archaeologist to assist the project. Even after a costly and time-consuming environmental assessment has been completed, there is a chance that the project may not be approved, leaving the applicant's project with added costs and significant delays.

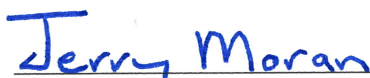
Please respond to the following questions regarding the Army Corps non-recreational outgrant development policy:

- 1) What specific considerations are undertaken when the Army Corps decides whether there is a "viable alternative" to a proposed project? Is increased cost to the applicant considered? If not, please explain.


- 2) Are there certain categories of projects, including those that have economic development impacts for the surrounding communities, which receive special treatment in these considerations? If not, please explain.
- 3) In determining how a proposed project would provide a "direct benefit to the government," how does the Army Corps consider and develop such requests of the applicant?
- 4) When determining the impact and necessity of an environmental assessment to be conducted by an applicant, is the size and scope of the project considered? Are smaller projects with fewer potential environmental impacts required to complete a less intensive environmental assessment?
- 5) Please give a general and complete timeline of the Army Corps' application process for a non-recreational outgrant application, from first contact with an applicant to final approval, with time estimates.

The importance of rural telecommunications infrastructure cannot be overstated during the COVID-19 pandemic. This project would provide critical high speed broadband access not just to Hillsboro, but also the other rural communities that would be served by this fiber optic loop, and delays to similar projects should be avoided. Thank you for urgently clarifying the Army Corps' policy regarding non-recreational outgrant applications.

Sincerely,



Jerry Moran
United States Senator



Roger Marshall, M.D.
Member of Congress